

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

O'DARI ZANDAGHE WILEY,

Defendant.

4:06CR3145

MEMORANDUM AND ORDER

The Supervisory United States Probation Officer has filed a Revised 2019 First Step Act Retroactive Sentencing Worksheet, Filing no. 144, showing that I have the discretion to reduce the defendant's sentence. The amended Guideline range is 97 to 121 months in prison. In the exercise of my discretion, I will grant the defendant's motion but reduce his prison sentence to 97 months and no less. His period of supervised release will be five years as it was before.

At my direction, the Supervisory United States Probation Officer determined that the defendant (a) if released from federal prison will then begin to serve a sentence of 20 years under the jurisdiction of the Nebraska Department of Corrections and (b)

Mr. Wiley does in fact have a serious heart condition for which he receives medical attention. In November 2018, Mr. Wiley had surgery to install stents. He has had numerous medical emergencies in the last two years. He has regular (every 4 months) follow up appointments with two cardiologists who are not part of the regular staff at the BOP. Mr. Wiley takes multiple medications for high blood pressure, high cholesterol, and cardiomyopathy. It was noted, Mr. Wiley's condition is not "acute" and is being managed where he is incarcerated. However, his heart condition is something that would normally be seen

in a man of 65 or 70 rather than his age of 34. It was also noted, Mr. Wiley has not been a disciplinary problem and is a normal functioning inmate with the exception of his heart condition.

Filing no. 158.

IT IS ORDERED that:

1. The Motion to Reduce Sentence Under *Section 404 of the First Step Act*, Filing no. 152, is granted in part and denied in part. The defendant's sentence is reduced to 97 months in prison with five years of supervised release to follow under the standard and special conditions typically imposed in cases such as this at the present time.
2. The Motion to Restrict, Filing no. 154, is granted.
3. After consulting with the Supervisory United States Probation Officer, Kelly Nelson, the Clerk's office shall prepare and submit to me for review and, if appropriate, signature AO 245C (Rev. 02/18), or the most recent iteration of the same, constituting an Amended Judgment in a Criminal Case (Local Revision for *First Step Act*).

Dated this 25th day of February 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge